

Honorable Christopher M. Alston
Chapter 11
Hearing Date: April 28, 2017
Hearing Time: 9:30 a.m.
Response Date: April 21, 2017

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON

In Re:) Case No. 15-17388
Ben H. McIndoe,)
Debtor.) UNITED STATES TRUSTEE'S
MOTION FOR DISGORGEMENT AND
DISALLOWANCE OF ATTORNEY'S
FEES FROM SPECIAL COUNSEL
RICHARD L. JONES

The United States Trustee hereby requests that the Court order special counsel Richard L. Jones of Kovac & Jones, PLLC ("Jones") to disgorge approximately \$44,000 in fees received for services rendered to Ben H. McIndoe (the "Debtor") during the above-captioned chapter 11 case (the "Case") and disallow all fees that have not yet been paid (the "Motion"). The declaration of Martin L. Smith (the "Smith Decl.") in support of the Motion is being filed concurrently herewith.

I. OVERVIEW

As discussed below, over the last 14 months Jones has privately demanded – sometimes multiple times in a single day – that the Debtor pay his special counsel fees for post-petition services to the estate. Those demands have resulted in Jones receiving over \$44,000 from the Debtor, without Jones ever having sought or received allowance and approval of his fees by the Court. In addition, Jones never disclosed receipt of any of the payments as required by § 329(a)

UNITED STATES TRUSTEE'S MOTION FOR DISGORGEMENT
OF ATTORNEY'S FEES - 1

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